

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF GEORGIA

FILED

U.S. Bankruptcy Court

OCT 17 2005

Deputy Clerk
Macon, Georgia

IN THE MATTER OF:

Chapter 13 - Section 1326(a)(1)
Pre-Confirmation Adequate Protection
And Lease Payments

ORDER

1. GENERAL

The Chapter 13 plan shall provide that §1326(a)(1) pre-confirmation adequate protection payments are to be paid in the plan and through the Chapter 13 Trustee. The plan shall identify the creditors entitled to the payments and the amounts proposed. The debtor must immediately commence plan payments to the Trustee and may not reduce payments to the Trustee under §1326(a)(1)(B)&(C) without an order of the court.

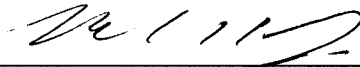
2. PAYMENT BY THE CHAPTER 13 TRUSTEE

The Chapter 13 Trustee is authorized to pay §1326(a)(1) pre-confirmation payments set forth in the proposed plan and to collect her usual fee thereon without an order of the court. No payment shall be made to a creditor until a proof of claim is filed. Pre-confirmation payments shall be made to creditors within 30 days of the filing of the proof of claim unless sufficient funds to make such payments have not been received by the Trustee within 7 working days prior to the end of the 30 day period. The Chapter 13 Trustee is authorized to deduct from an allowed claim the §1326(a)(1) pre-confirmation payments made by the Trustee. The deduction is made as of the date of payment.

If a creditor obtains an order for payments under §1326(a)(3) and the case is dismissed prior to confirmation, the creditor shall receive from the Trustee, upon dismissal of the case, any payments due and owing from funds collected by the

Trustee under §1326(a)(1)(A), less the Trustee's fees.

SO ORDERED this 17th day of October 2005.

A handwritten signature in black ink, appearing to read 'R. Hershner, Jr.', is positioned above a horizontal line.

ROBERT F. HERSHNER, JR.
Chief Judge
United States Bankruptcy Court